APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/085,263	02/27/2002	Tetsuya Onishi	02109/LH	1754

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EXAMINER
CONOVER, DAMON M

ART UNIT	PAPER NUMBER
2624	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)
Office Action Summary		10/085,263	ONISHI ET AL.
		Examiner	**Art Unit**
		Damon Conover	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The amendment filed 1 November 2006 has been entered and made of record.

Response to Arguments

2.   The applicant has amended claims 17 and 18 to overcome the insufficient

antecedent basis; therefore the rejection of claims 17 and 18 under 35 U.S.C. §112 has

been withdrawn.

3.   Applicant's arguments, see pages 5-8, filed 1 November 2006, with respect to

the rejection(s) of claim(s) 15-17 under 35 U.S.C. §103 have been fully considered and

are persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Hara (JP Patent

Publication 09-265481) and Moed et al. (U.S. Patent 5,770,841) in view of Miodonski et

al. (U.S. Patent 6,414,679).

In the combination of Hara and Moed et al., invalid data is defined as data that

does not coincide with the data from the database. Neither Hara, nor Moed et al.

describe that invalid data could be data that coincides with the data from the database;

therefore the rejection has been withdrawn.

However, Miodonski et al. disclose an apparatus and method for generating and

displaying three-dimensional representations (column 2, lines 1-9). Miodonski et al.

describe that the objects used to generate the three-dimensional representations are

stored in a target library (database). Each object is given a name (ID data), and the

apparatus checks if the object's name is unique within the target library (database). If

the name is not unique (ID data coincides with stored character information data), the name is resolved in any suitable manner for resolving name conflicts, such as prompting the user to choose a new name (column 32, lines 3-9).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (Japanese Patent Publication 09-265481) and Moed et al. (U.S. Patent 5,770,841) in view of Miodonski et al. (U.S. Patent 6,414,679).

With respect to claim 15, Hara discloses a method and device for storing medical image information in relation to identification information corresponding to the image information (abstract). Hara describes that medical images are acquired by image information systems, such as CT scanners, MRI equipment, and computed radiography equipment (paragraph 28). Hara shows in Figure 3 that identification information, such as patient's ID number, is included in the acquired medical image (paragraph 32). The device includes an ID field extract means to extract the portion of the image recognized as the identification information, a character recognition means to retrieve the alphanumeric data from the identification portion of the image, and a record means (information memorizing means) to record the identification information with the corresponding medical image data (paragraph 26).

Hara does not describe comparing or operating sections for correcting the identification information.

Moed et al. disclose a system for automatically reading and decoding package information (column 1, lines 7-9). Moed et al. describe that the system captures an image of the package and extracts the address (ID data) using optical character recognition (OCR). The system attempts to validate that the OCR data (inputted ID data) by checking the address against a database of valid addresses (specific character information data) (comparing section). If the address in invalid, an image of the address is displayed on an image workstation, and an operator enters the correct address (operating section) (column 2, lines 38-44 and column 10, lines 14-24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of correcting the extracted identification data, as taught by Moed et al., in the medical image data filing device of Hara, in order to correct any mistakes made by the image information system technicians when they are entering the patients identification information.

In the combination of Hara and Moed et al., invalid data is defined as data that does not coincide with the data from the database. Neither Hara, nor Moed et al. describe that invalid data could be data that coincides with the data from the database.

Miodonski et al. disclose an apparatus and method for generating and displaying three-dimensional representations (column 2, lines 1-9). Miodonski et al. describe that the objects used to generate the three-dimensional representations are stored in a target library (database). Each object is given a name (ID data), and the apparatus

checks if the object's name is unique within the target library (database). If the name is

not unique (ID data coincides with stored character information data), the name is

resolved in any suitable manner for resolving name conflicts, such as prompting the

user to choose a new name (column 32, lines 3-9).

It would have been obvious to one of ordinary skill in the art at the time of the

invention to include the idea of correcting ID data that coincides with data stored in a

database, as taught by Miodonski et al., in the medical image data filing device of Hara

and Moed et al., in order to verify that the ID data is unique before storing the

corresponding object in the database (Miodonski et al., column 32, lines 3-9).

With respect to claim 16, as discussed above, Hara discloses a method and

device for storing medical image information in relation to identification information

corresponding to the image information (abstract). Hara describes that medical images

are acquired by image information systems, such as CT scanners, MRI equipment, and

computed radiography equipment (paragraph 28). Hara shows in Figure 3 that

identification information, such as patient's ID number (character image data), is

included in the acquired medical image (paragraph 32). Hara describes that the system

includes a character recognition means to retrieve the alphanumeric data from the

identification portion of the image (paragraph 26).

With respect to claim 17, as discussed above, Hara discloses a method and

device for storing medical image information in relation to identification information

corresponding to the image information (abstract). Hara describes that the identification

information is stored in a database (character information database) with the

corresponding medical image data. The identification information is designated as

retrieval data, so that the medical image data can be searched based on the inputted

identification information (character information search section). The character

information associated with the desired medical images is determined based on the

comparison between the inputted identification information and the identification

information stored in the database (comparing and determining sections) (paragraphs

26 and 28 and Figure 5).

5.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara,

Moed et al., and Miodonski et al. as applied to claims 15-17 above, and further in view

of Ortega et al. (U.S. Patent 6,144,958).

As discussed above, Hara discloses a method and device for storing medical

image information in relation to identification information corresponding to the image

information (abstract). Hara describes that medical images are acquired by image

information systems, such as CT scanners, MRI equipment, and computed radiography

equipment (paragraph 28). Hara shows in Figure 3 that identification information, such

as patient's ID number, is included in the acquired medical image (paragraph 32). The

device includes an ID field extract means to extract the portion of the image recognized

as the identification information, a character recognition means to retrieve the

alphanumeric data from the identification portion of the image, and a record means

(information memorizing means) to record the identification information with the

corresponding medical image data. The identification information is stored in a database

with the corresponding medical image data. The identification information is designated

as retrieval data, so that the medical image data can be searched based on the inputted

identification information (character information search section) (paragraphs 26). As

discussed above, Moed et al. disclose a system for automatically reading and decoding

package information (column 1, lines 7-9). Moed et al. describe that the system

captures an image of the package and extracts the address (ID data) to verify that it is

valid (column 2, lines 38-44). As discussed above, Miodonski et al. Miodonski et al.

disclose an apparatus and method for generating and displaying three-dimensional

representations (column 2, lines 1-9). Miodonski et al. describe that the objects used to

generate the three-dimensional representations are stored in a target library (database).

Each object is given a name (ID data), and the apparatus checks if the object's name is

unique within the target library (database). If the name is not unique (ID data coincides

with stored character information data), the name is resolved in any suitable manner for

resolving name conflicts, such as prompting the user to choose a new name (column

32, lines 3-9).

Neither Hara, Moed et al., nor Miodonski et al. describe that the operating

sections corrects the inputted identification information before conducting the search.

Ortega et al. disclose a system and method for correcting misspelled terms within

search queries using a database of correlation data that indicates correlations between

search terms (column 1, lines 63-66). The method is invoked when a search query is

submitted. The correlation database is used to generate a list of related terms to the

search query. The user is then prompted to select the appropriate replacement term

from the list. Once the modified query is selected, it is used to perform the search (column 2, lines 8-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention to correct the search query, as taught by Ortega et al., using the identification information from the database described in the medical image data filing device of Hara, Moed et al., and Miodonski et al., in order to preemptively correct any mistakes in the search string when retrieving medical images for a specific patient (Ortega et al., column 2, lines 8-30).
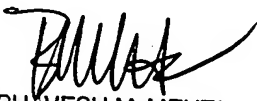
Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Damon Conover whose telephone number is (571) 272-5448. The examiner can normally be reached Monday – Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (571) 272-7453. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only. For

more information about the PAIR system, see http://pair-direct.uspto.gov. Should you

have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at (866) 217-9197 (toll-free). If you would like assistance from a USPTO

Customer Service Representative or access to the automated information system, call

(800) 786-9199 (IN USA OR CANADA) or (571) 272-1000.

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